been insane, (*Cummington* v. *Belchertown,* 149 Mass. 223) unchaste, (*Leavitt* v. *Leavitt,* 13 Mich. 452), given birth to an illegitimate child, (*Farr* v. *Farr,* 2 MacArth. 35), have all been held insufficient to justify annulment of marriage; so also has fraudulent representation of freedom from epilepsy, *Lyon* v. *Lyon,* 230 Ill. 366. Fraud to be ground for annulment of marriage must be of such a nature as to render impossible the performance of the duties of the marriage relation or render its continuance dangerous to health and life. *Smith* v. *Smith,* 171 Mass 404. Thus impotency at the time of marriage, (*Bascomb* v. *Bascomb,* 25 N. H. 267), incapacity for sexual intercourse, (*Mutter* v. *Mutter,* 30 Ky. L. Rep. 76), presence of venereal disease, (*Swenson* v. *Swenson,* 178 N. Y. 54), pregnancy by another man, (*Harrison* v. *Harrison,* 94 Mich. 559), have been held grounds for annulment. The court considered fraudulent concealment of consumption as somewhat analogous to fraudulent concealment of a venereal disease, though it also recognized that consumption does not affect the marriage relation so closely. "If however, it is such a disease that, through the close tie of the marital relation, grave results from infection may be caused to the other party, and possibly evil consequences to the offspring, I think it of sufficient grave character to bring it within the purview of the rule applicable to veneral diseases." Whether consumption can be brought within "purview of the rule applicable to venereal diseases" would seem to be open to some doubt. It does not involve shame in its presence, nor necessarily contagion in marital association. The case is in accord with the policy of the New York courts, which are given to great liberality in discovering such fraud as will justify them in annulling a marriage. *Di Lorenzo* v. *Di Lorenzo,* 174 N. Y. 467, *Domschke* v. *Domschke,* 138 App. Div. 454.

PARDON—NECESSITY OF ACCEPTANCE.—A person claiming the privilege from self-incrimination is not in contempt of court nor liable for punishment for contempt because he refuses to testify before a Federal grand jury, even though he be presented with a pardon from the President of the United States absolving him from all punishment for every criminal act which his testimony might tend to show that he had committed. *Burdick* v. *United States,* (1915), 35 Sup. Ct. 267.

The rule adopted in the earliest decisions, which has been consistently followed, is that a pardon must be accepted before it has any binding force. 2 HAWKINS, Ch. 37, § 59; *Ex Parte Powell,* 73 Ala. 517, 49 Am. Rep. 71; *People* v. *Frost,* 117 N. Y. S. 524, 113 App. Div. 179; *Ex Parte Williams,* 149 N. C. 436, 63 S. E. 108; *Commonwealth* v. *Halloway,* 44 Pa. 201, 84 Am. Dec. 431; *United States* v. *Wilson,* 7 Pet. 150, 32 U. S. 150, 8 L. Ed. 640. A person may refuse to accept a pardon if he so desires. *United States* v. *Wilson,* supra; *Commonwealth* v. *Lockwood,* 109 Mass. 320. The necessity for acceptance is based on two grounds: *first,* that a pardon is a deed and like every other deed must be delivered, and since delivery is not possible without acceptance, acceptance is essential; *second,* that taking advantage of a pardon imputes a confession of a crime so that a pardon necessarily presupposes the commission of the offence and remits the punishment. Hence to make a

pardon binding without an acceptance would be forcing a person to admit guilt, in a case where he might prefer to suffer punishment, though innocent of any crime, than to confess a crime which he has never committed, in order to escape punishment. In Alabama and Ohio it has been held that acceptance of a pardon will be presumed where there is no evidence to rebut such a presumption. *Ex Parte Powell,* supra; *Sterling* v. *Drake,* 29 Ohio St. 457, 23 Am. Rep. 762. In Ohio it has also been held that where the Governor commutes a death sentence by substituting therefor life imprisonment, in a case where the person convicted has become a lunatic, such convict on being restored to reason is bound by the commutation, it being presumed that he has accepted. *In re Victor,* 31 Ohio St. 206. In view of the fact that a lunatic has no legal capacity to contract this decision may justly be doubted.

PARENT AND CHILD—EFFECT OF WORKMAN'S COMPENSATION ACT UPON PARENT'S RIGHT OF ACTION FOR INJURY TO CHILD.—Plaintiff's minor son was injured while in the employ of the defendant, and plaintiff sued for the loss caused to himself by this injury. It was admitted that plaintiff had a good cause of action unless it was barred by the Workman's Compensation Act. The Act provided that the right of action of an injured employee shall be waived, unless he gives notice that he claims his common law rights. The court *held,* that the Act did not bar plaintiff's right of action. *King* v. *Viscoloid Co.,* (Mass. 1914), 106 N. E. 988.

At common law when a minor child was injured by the wrongful act of another, the parent gained a right of action for damages for loss of services and medical expenses. *Chicago City Ry. Co.* v. *Schaefer,* 121 Ill. App. 334; *McCarthy* v. *Guild,* 12 Metc. 291. This right of action is independent of the right of action of the injured child, and the court in the principal case held that the child's waiver was by operation of law a discharge of his own right, but that no discharge of his right could take away the right which had become vested in the parent. The statute expressly states the consequence that is to follow the failure to give the statutory notice, the court therefore held that it could not say that further consequences should follow by taking away the right of a third person not mentioned in the statute. In arriving at this conclusion the court followed the recognized canons of statutory construction. *Dubuque* v. *Dubuque,* 7 Ia. 262; *Page* v. *Bartlett,* 101 Ala. 193. The court cannot read into a statute a provision which the legislature did not see fit to put there, whether the omission resulted from inadvertence or from a set purpose, *City of Pittsburg* v. *Kalchthaler,* 114 Pa. St. 547; *Child* v. *Child,* 185 Mass. 376. And by another rule of construction an existing common law right of action is not to be taken away by statute unless by direct enactment or by necessary implication, *Com.* v. *Beck,* 187 Mass. 15. The legislature could have provided, as seems to have been done by the legislature of Rhode Island, that the election between the statutory remedy and that given by the common law should be made by the parent of the minor employee and should bind both parent and child. RHODE ISLAND WORKMAN'S COMPENSATION ACT, § 6.